

United States District Court
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

DEC 11 2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

Hermes Ramsden LEAL
YOB: 1992 - USC

CRIMINAL COMPLAINT

Case Number: M-14-2342-M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 12/9/2014 in Starr County, in the

(Date)

Southern District of Texas defendants, Hermes Ramsden LEAL

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts:

See Attached Affidavit of ICE Special Agent

Antonio Marin

Continued on the attached sheet and made a part of this complaint:

Yes

No



Signature of Complainant

Antonio Marin

Printed Name of Complainant

Sworn to before me and signed in my presence,

December 11, 2014

Date

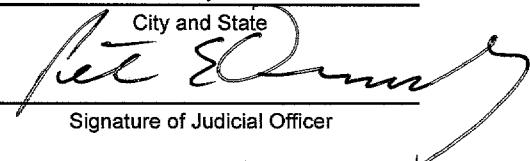
8:58 am

Peter E. Ormsby , U.S. Magistrate Judge

Name and Title of Judicial Officer

McAllen, Texas

City and State



Signature of Judicial Officer

Attachment A

On December 9, 2014, Roma Police Officer Juan Estrada, while on roving patrol in a marked Roma Police Department patrol car, encountered Hermes Ramsden LEAL driving a 2006 Dodge Dakota pickup truck transporting four (4) undocumented aliens (UDA) in furtherance of their illegal entry into the United States in Roma, Texas. Officer Estrada stopped LEAL for having an unrestrained passenger.

Officer Estrada made contact with the driver identified as Hermes Ramsden LEAL. Accompanying LEAL was his common-law wife Itsel Sitolaly CRUZ and four (4) other subjects were suspected of being undocumented aliens. Border Patrol Agents were summoned at the location to fully identify the subjects and who found the subjects to be illegally in the United States. LEAL and CRUZ were placed under arrest and transported to the Border Patrol station for further investigation and process.

Homeland Security Investigations (HSI) Special Agent Antonio Marin was notified of the arrest and assisted in the investigation. LEAL is a known alien smuggler by Border Patrol and Homeland Security Investigations Agents. In at least two previous occasions, HSI and Border Patrol Agents have encountered and arrested LEAL for alien smuggling. The two previous encounters were as follow:

February 04, 2014:

Hermes Ramsden LEAL was arrested transporting two (2) undocumented aliens. Homeland Security Investigations and Border Patrol Agents interviewed LEAL at the time of his arrest. LEAL admitted of transporting the undocumented aliens for monetary gain.

October 27, 2014:

Hermes Ramsden LEAL was arrested for his involvement in smuggling fifteen (15) undocumented aliens in furtherance of their illegal entry at the apartment complex where he resides in Roma, Texas.

Upon arrival to the Border Station in Rio Grande City, Texas, Border Patrol and Homeland Security Agents interviewed LEAL and his wife CRUZ. Both were read their Miranda to which each stated they understood their rights and agreed to speak to Agents without the presence of an attorney:

Hermes Ramsden LEAL stated the following:

LEAL admitted to Border Patrol Agents that he was transporting the four (4) UDAs to Escobares, Texas and was going to be paid \$120 per alien upon successful delivery of the UDAs.

Ittsel Sitlaly CRUZ admitted that her husband Hermes Ramsden LEAL is not currently employed and his income is generated from alien smuggling. CRUZ further explained that she is aware that her husband stages undocumented aliens at an apartment complex and are later transported to other locations. CRUZ was asked by LEAL to accompany him in transporting the four (4) UDAs arrested with them on 12/09/2014.

MATERIAL WITNESS STATEMENTS:

Two (2) out of the four (4) UDAs were kept as material witnesses in this case. Both identified LEAL as the driver of the vehicle they were being transported. Both material witnesses were shown photo lineups and both positively identified LEAL as the driver of the vehicle transporting them.